

**MINUTES OF THE MEETING
OF THE CITY OF SEAFORD PLANNING AND ZONING COMMISSION**

June 1, 2006

7:00 p.m.

The meeting was convened by Chairman Ernest Makowski. Those in attendance were: Carol Lynch, Arsie Burton, Al Temple, John Leverage and Earl Conaway; Chief Doug Butler, SVFD and Michael Mulvaney, Building Official were also present.

Chairman Makowski explained the Planning and Zoning Commission would make a recommendation to the Mayor and Council on the items heard tonight. The recommendations will be presented to the Council on Tuesday, June 27, 2006, at which time the Council may make a determination.

Chairman Makowski turned the meeting over to the Building Official.

Mr. Mulvaney presented Case No. S-28-06. AAM, LLC, property owners of Tax Map and Parcel 3-31 5.00 50.07, located on Bridgeville Road, wish to subdivide four acres from the larger parcel. Mr. Mulvaney introduced Mr. Robert Boyd, representative of the project. Mr. Mulvaney began by describing the location of the site and pointing out the boundaries of the larger parcel – Herring Run to the south and to the east the lands of Seaford Village. Wash ‘n’ Vac is to the west; the lands to the north are also owned by AAM, LLC. When the Strikemaster building was constructed, the front building setback was from Rt. 13A Bridgeville Highway. At a later date, the land was subdivided in the front from the car wash; this condition was approved. A situation that has come to light with the current survey is the north side property line in C-2 requires a 20’ setback and only 17’ is available without changing the road alignment. Since this does not comply with the Zoning requirements, does the Commission agree to consider it “grandfathered?” The Commission expressed no opposition to this stand.

Mr. Mulvaney presented the findings of fact:

- 1) The building on the property to be separated from the larger parcel meets C-2 area and bulk requirements except for the north side with a 17’ setback; however, it is a pre-existing condition;
- 2) The Planning and Zoning Commission is to make a recommendation to Council.

Chairman Makowski asked for clarification of the zoning. Mr. Mulvaney stated it was C-2.

Mr. Boyd noted that Trinity Transportation will purchase the former Strikemasters building; it is currently renovating the building for their offices. With this subdivision, the remaining parcel is twenty three (23) acres. Mr. Boyd explained the storm water planning is already done, a system exists on site to handle the runoff. He also noted three lots remain on Fallon Avenue; his company intends to use them for condo office building(s).

Mrs. Lynch asked how the subdivision will affect the access to the car wash? Mr. Mulvaney responded that the car wash has a cross access easement.

Chairman Makowski called for public comment. As there were no other questions or comments, Mrs. Lynch made a motion to recommend approval of the subdivision of four acres from Tax Map and Parcel 3-31 5.00 50.07 as requested by AAM, LLC. Mr. Temple seconded the motion.

Roll Call Vote:

Mr. Conaway voted in favor based on the findings of fact;
Mr. Temple voted in favor based on the findings of fact;
Mr. Leverage voted in favor based on the findings of fact
Mrs. Burton voted in favor based on the findings of fact
Mrs. Lynch voted in favor based on the findings of fact.

Chairman Makowski noted the Commission voted unanimously to recommend approval of the subdivision.

Mr. Mulvaney presented the sketch plan request from Seaford Villages, LLC, property owners of Tax Map and Parcel 3-31 5.00 50 (Seaford Village Shopping Center). The owners wish to construct a 22,000± square foot building addition and add 182 parking spaces. Mr. Mulvaney introduced Mr. Ted Tomarchio, one of the property owners. Mr. Mulvaney explained the new building would be built on the north end of the shopping center near Roses. The access road between the out parcel and Roses would be moved slightly to the north. Additional parking would be added on the Herring Run Road side, in the rear of the shopping center which would be good for employee use and also some spaces in the front where paving already exists. The City and the property owners have been in discussion concerning the installation of a connecting road between Seaford Village and Jet Avenue which would promote traffic flow between Seaford Village and the Post Office, hopefully taking some traffic off Herring Run Road. Mrs. Lynch expressed her feelings that if employee parking was in the rear, adequate lighting was necessary. Mr. Mulvaney noted Jet Avenue already was lighted which would be helpful but increased lighting in the rear may be required. .

Mrs. Burton asked if the building would be divided into different store fronts. Mr. Tomarchio said his company is working to attract upscale tenants; the plan is to accommodate the requirements of the clients. He also wanted the Commission to know that their plans for Seaford Village include changes to the façade, widening the sidewalks, adding shrubbery, and eventually reworking the parking lot. They also envision the shopping center as being entirely retail space in the future.

Chairman Makowski asked if DeIDOT was aware of the growth plans? Mr. Mulvaney noted the developers will have to sit down with DeIDOT to discuss their plans and will be required to adhere to DeIDOT criteria just as any other developer. Chairman Makowski expressed his apprehension over additional traffic being put onto Herring Run Road, but Mr. Mulvaney felt with the access to Jet Avenue some traffic would be diverted. Mrs. Lynch felt the entrance from Rt. 13 into the shopping center needed a redesign. People did not understand the STOP sign and who has the right of way. Mr. Tomarchio said they would look at this situation; he also noted if the larger retailers agree to establish here, the parking lot would need upgrades. Mr. Conaway asked how the widening of Herring Run Road would affect this project? Mr. Mulvaney said all the land for the road improvements is coming from the Lowe's side. Mr. Leverage inquired about the runoff, what happens to it? Mr. Mulvaney explained it has to be addressed on site and may be piped to a different part of the site. As the plans progress, Conservation will become involved.

Mr. Mulvaney presented the Findings of Fact:

The project meets the C-2 requirements;
The project meets the parking requirements;

The project will be reviewed by the State Fire Marshal; Conservation and DeIDOT;
The Planning and Zoning Commission is to make a recommendation to the Council.

Chairman Makowski asked for public comment. There being none, Mr. Temple made a motion to recommend approval of the sketch plan for a 22,000± building and 182 additional parking spaces at Seaford Village Shopping Center as requested by Seaford Villages LLC. Mrs. Burton seconded the motion.

Roll Call Vote:

Mr. Conaway voted in favor based on the findings of fact;
Mr. Leverage voted in favor based on the findings of fact
Mr. Temple voted in favor based on the findings of fact
Mrs. Burton voted in favor based on the findings of fact;
Mrs. Lynch voted in favor based on the findings of fact.

Chairman Makowski stated the Commission voted unanimously to recommend approval of the sketch plan, as presented.

Mr. Mulvaney presented the request from Davis, Bowen and Friedel, Inc. on behalf of the property owners of Tax Map and Parcel 3-31 5.00 11, located on Herring Run Road for a preliminary site plan review for *Lawrence Crossing*. Mr. Mulvaney introduced Mr. Tim Metzner, project engineer from Davis, Bowen and Friedel and Mr. Brian McGregor, developer. Mr. Mulvaney explained fifty three (53) acres of the site is zoned R-3; 2.35 acres is zoned C-2 which will actually become the storm water management facility. *Lawrence Crossing* will have thirteen (13) condo buildings, sixteen (16) units each, four (4) stories in height. The ground level will be used for resident parking. On March 1, 2006, the project received a variance for height to allow parking on the ground level underneath the buildings. The upper three floors will be residential units. The site will have 147 town homes, five to eight units per building, three stories in height. The total unit count is 355. The lot coverage is significantly less than required by Code 15.3 % compared to the allowed 20%. The allowed units per acres is 14, the project build out is 6.33 units per acre. The developer wishes to maintain as much green space as possible.

Mr. Mulvaney described the site – it backs up to Mearfield and circles around to the rear of the *Lawrence* property. It adjoins the *Mearfield* R-2 section. The small area in the front on Bridgeville Road is zoned C-2 which compiles with the Comprehensive Plan and will be developed as the storm water management facility. The condos will have ground floor parking; the top three floors are residential. The town homes will have rear or front access with garages to get vehicles off the street. Chief Butler inquired as to how large the alleys are? Mr. McGregor assured him the alleys are wide enough to handle fire apparatus. They also worked on the landscaping plan so that it won't affect the fire apparatus accessibility. A club house and pool will be part of the project and a small beach area will be part of the storm water management facility. Mr. Mulvaney advised an interconnection road with *Mearfield* Phase II will be built; since the same engineering firm is being used on both projects it was less complicated to achieve an interconnection road.

Chief Butler asked "Is the project was age-restricted?" Mr. McGregor said the target group is the 55+ group, but it is not limited to that age group. Mr. McGregor went on to say the new owners of *Lawrence* property removed the hardwood growth on their property; but he intends to keep the trees by the creek, and any other trees that can be saved. Mr. Metzner told the group that the reason for the parking underneath the condos was to open up more green space and to get parking off the streets. The Fire Marshal does not allow parking in front of the buildings. He did point out that ample visitor parking around the site facing the open spaces was supplied. Mr. Mulvaney further clarified that primary fire lanes can't be blocked. Mr. McGregor added the site has 821 parking spaces far exceeding the 555 spaces required. Chief Butler asked if the condos are sprinklered? Mr. Metzner confirmed that the condos were sprinklered.

Mr. McGregor went over the size of the town homes. The rear access unit will be 24' and 26' wide; the front access units will be 32' and 34' wide, this will allow room for first floor master bedrooms. The developer found in his research that first floor master bedrooms are important to the buyer. Mrs. Lynch asked if the condos will have elevators or stairs. Mr. McGregor said an elevator and stairs. Mr. Leverage asked if the elevator was designed to accommodate a stretcher. Chief Butler answered that they are not required to be in residential buildings, only in commercial occupancies. As final comments, Mr. Mulvaney noted the entrance to *Lawrence Crossing* will be near the existing entrance to the old farmhouse, it will not line up with Fallon Avenue. The sewer will be tied into North Ross lift station at the Utility Building.

Mr. Mulvaney presented the Findings of Fact:

- The project meets the R-3 requirements;
- An interconnection road with the adjacent development is provided;
- The project is under review by Sussex Conservation, State Fire Marshal's Office and DelDOT;
- The project engineer has met with the City to integrate utilities;
- The Commission is to make a recommendation to Council.

Mrs. Burton asked if the project will be built in phases? Mr. Mulvaney said the City requires any residential project to be built in phases so that utility installation can keep up. In this case, 25% of the units can be built per phase. Mr. McGregor noted the 1st phase will be a combination of units. As a side note, Conservation will only allow 20 acres to be disturbed at one time.

Mr. Leverage made a motion to recommend approval of the preliminary site plan for *Lawrence Crossing*, as presented. Mrs. Burton seconded the motion.

Roll Call Vote:

- Mr. Conaway voted in favor based on the findings of fact;
- Mr. Leverage voted in favor based on the findings of fact
- Mr. Temple voted in favor based on the findings of fact
- Mrs. Burton voted in favor based on the findings of fact;
- Mrs. Lynch voted in favor based on the findings of fact.

Chairman Makowski stated the Commission voted unanimously to recommend approval of the preliminary plan for *Lawrence Crossing*, as presented.

Minutes of the Meeting of the
City of Seaford Planning and Zoning Commission
June 1, 2006
Page 5

There being no other business, Chairman Makowski called for a motion to adjourn.

Mrs. Lynch so moved; Mrs. Burton seconded the motion. Motion so carried with all present voting in favor. Chairman Makowski adjourned the meeting at 8:00 p.m.

By: _____
Ernest Makowski, Chairman